

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**December 11, 2002**

[Click on back arrow to return to Main Menu](#)

Mayor David Dermer  
Vice-Mayor Simon Cruz  
Commissioner Matti Herrera Bower  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

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| PA1 | <b>3:00 p.m.</b> Presentation/\$289,070 Check from US Fire Act Grant (Rep. Shaw & Ros-Lehtinen). |
| PA2 | Cert. of Apprec./Michael Aller, Thanksgiving Day Parade Organizing. (Cruz)                       |
| PA3 | Cert. of Apprec./Lawrence Herrup, Years of Service on MB Budget Advisory Committee.              |
| PA4 | Cert. of Apprec./Lori Freedline, Honored as the National PAL Woman Volunteer of 2001.            |
| PA5 | Cert. of Apprec./Office Depot, Donating 500 Book Bags to MBPAL.                                  |
| PA6 | Cert. of Apprec./Scholastic, Inc., Donating 1,000 Books to MBPAL.                                |
| PA7 | Cert. of Apprec./Detectives Archer, Muley & Schoenfield, Saving a Father & Son. (Dermer)         |
| PA8 | Presentation/\$9,000 Check from MB Chamber of Commerce Youth Sports Team Sponsors. (Dermer)      |
|     |  |
| C2A | BA 45-00/01, Exterior Signage Package for MB Convention Center, \$207,461.                       |
| C2B | BA 20-01/02, Inspection of Fire Extinguishers/Sprinkler Systems/Alarms, \$80,000.                |
| C2C | Issue P.O., Purchase Various Vehicles from Duval Ford, \$324,210.                                |
| C2D | BA 56-01/02, Furnish/Install Police Vehicle Emergency Equipment on City Vehicles, \$280,000.     |
| C2E | BA 28-01/02, Bass Museum School of Art HVAC Renovations.   |
| C2F | BA 46-01/02, 21 <sup>st</sup> Street Community Center HVAC Renovations.                          |
| C2G | BA 76-01/02, HVAC Renovations for 10 <sup>th</sup> Street Ocean Front Auditorium, \$130,000.     |
| C2H | BA 71-01/02, Roof Replacement for 10 <sup>th</sup> Street Ocean Front Auditorium, \$235,825.     |
|     |  |
| C4A | Ref: Community Affairs Committee-Ordinance re: Commissioners/Advisory Boards. (Steinberg)        |
|     |  |
| C6A | Report: Land Use & Development Committee Meeting of November 4, 2002.                            |
| C6B | Report: Neighborhoods Committee Meeting of November 5, 2002.                                     |
| C6C | Report: Finance & Citywide Projects Committee Meeting of November 25, 2002.                      |
| C6D | Report: Community Affairs Committee Meeting of November 26, 2002.                                |
|     |  |
| C7A | Submit Grant Applications, Water Project, Urban Challenge Grant & Historic Preservation.         |
| C7B | Accept Recommendation, Reappointment of Chief Special Master.                                    |
| C7C | Adopt New Schedule of Fees, Various Informative Material Provided by the City.                   |
| C7D | Issue RFQ, Public Relations/Marketing & Consulting Services for the City.                        |

C7E Approve Settlement Agmt w/ Ecko.Complex, LLC., Outstanding Violations of Code.  
 C7F Approve Settlement of Liens on Property at 430 South Shore Drive.  
 C7G Set Public Hearing, Four Proposed Lease Agreements at Byron Carlyle Theater.  
 C7H Set Public Hearing, Proposed Lease Agreement at 1130 Washington Avenue.  
 C7I Approve Purchase of All Risk Property Insurance for Bass Museum of Art.  
 C7J Set Public Hearing, Amend Future Land Use Map of the Comprehensive Plan.  
 C7K Set Public Hearing, Amend Official Zoning District Map & Land Development Regulations.  
 C7L Set Public Hearing, Review a Design Review Board Decision.  
 C7M Adopt 1<sup>st</sup> Amendment, Police Confiscation Trust Fund Budget FY for 2002/03.  
 C7N Adopt 1<sup>st</sup> Budget Amendment, Police Special Revenue Account for FY 2002/03.  
 C7O Execute Service Agmt, Citywide Sanitary Sewers Improvements Project.  
 C7P Accept Recomm., Construction Services for Flamingo Park/Property Mgmt Yard Improv. Project.  
 C7Q Accept Recomm., Services for Citywide Wayfinding Signage System.

#### REGULAR AGENDA

R5A **10:30 a.m. 2<sup>nd</sup> Rdg**, Allow Limited Display of Food Served at Sidewalk Cafés. **5/7**  
 R5B **2:30 a.m. 2<sup>nd</sup> Rdg**, Demolition by Neglect Procedures. **5/7**  
 R5C **W- 1<sup>st</sup> Rdg**, Amendment To Correct Height & Number of Stories in C-PS Districts. **5/7**  
 R5D **1<sup>st</sup> Rdg**, Maintain Livestock for Public Events. (Steinberg) **5/7 (Consent Agenda - C4)**  
 R5E **4:30 p.m. 1<sup>st</sup> Rdg**, Permit Advertising on Pay Telephones - Specified Criteria. (Dermer)  
 R5F **1<sup>st</sup> Rdg**, Campaign Finance Reform Legislation. (Steinberg/Smith)

R7A **10:45 a.m.** Approve Waiver of Development Regulations, Temporary Banner Placements. **5/7**  
 R7B **11:15 a.m.** Authorize Amendment of the Declaration of Restrictions, Aqua Project.  
 R7C **2:00 p.m.** Approve BODR, La Gorce Right of Way Improvement Project.  
 R7D Approve City's Year 2003 State Legislature Priorities.  
 R7E Approve City Attorney's Annual Evaluation.  
 R7F Approve City Manager's Annual Evaluation.

R9A **3:15 p.m.** Board and Committee Appointments.  
 R9A1 Appoint Nominees from Dade Heritage Trust to the Historic Preservation Board.  
 R9A2 Cultural Arts Council Nominations.  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C **11:00 a.m.** Disc. Status Update on HIV/AIDS in Miami Beach. (Dermer)  
 R9D Disc. Status Report on Traffic Calming Islands on La Gorce/Pine Tree. (Steinberg)  
 R9E Disc. Legislation Prohibiting Campaign Contributions by Real Estate Developers. (Dermer)  
 R9F **2:15 p.m.** Disc. False Claims Ordinance. (Smith)  
 R9G Disc. Extend Hours for Selling Liquor at Establishments, Dec. 20 - Jan. 3, 2003. (Garcia)  
 R9H Disc. Living Wage Ordinance. (Garcia)  
 R9I **10:00 a.m.** Disc. City Center Redevelopment Plan Amendment.  
 R9J Disc. Waiver of Fees for the Art Deco Fest. (Dermer)

#### REPORTS AND INFORMATIONAL ITEMS

A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report on Fire Station No. 2.  
 D Status Report on Fire Station No. 4.  
 E Report on All City Contracts for Renewal/Extension Exceeding \$25,000.  
 F **3:45 p.m.** Nightlife Industry Task Force - Extend Hours for New Year's Eve Weekend.

2A Report of Itemized Revenues/Expenditures of RDA for September 2002.

Meeting called to order at 9:18:52 a.m.

Inspirational Message given by Rabbi Sufrin, Academy of Greater Miami.

Pledge of Allegiance led by Chief De Lucca.

Requests for Additions, Withdrawals, and Deferrals

City Clerk's Note:

Addendum Materials: R9I and R9J

Supplemental Materials: C7D - Resolution  
C7E - Agreement  
C7O - Memorandum/Resolution/Agreement  
C7Q - Resolution  
R7E - Memorandum and Resolution  
R9A1 Additional Information  
R9A2 Replacement for Page 391

#### **PA - Presentations and Awards**

PA1 Certificates Of Appreciation To Be Presented To Representatives Clay Shaw And Ileana Ros-Lehtinen,  
For The US Fire Act Grant Award Of \$289,722.  
(Mayor And Commission)  
(Deferred From November 13, 2002)

**ACTION:** Key to the City presented to Ileana Ros-Lehtinen.

Vice-Mayor Cruz thanked Congresswoman Ros-Lehtinen for the work she has done for the City and FIU.

Ileana Ros-Lehtinen explained that the City of Miami Beach Fire Department is one of the best in the country and she is proud to present the check. She stated that there is partnership between the City, the State, and the Federal Government. She presented the Fire Department with a check and congratulated them for their expertise and professionalism. She also thanked the Commission for allowing her to represent this beautiful city.

Mayor Dermer expressed his gratitude to Ileana for the work she does for the City and presented her with a key to the City.

Jorge Gonzalez, City Manager, stated that the City of Miami Beach is the only City south of Palm Beach County that has received funds from this grant source for training and communications equipment since September 11. This is mainly due to the quality of our Grants Management Office and the Congresswoman.

- PA2 Certificate Of Appreciation To Be Presented To Michael Aller, For His Outstanding Work In Making Arrangements For The Thanksgiving Day Parade.  
(Requested By Vice-Mayor Simon Cruz)  
(Deferred From November 13, 2002)

**ACTION:** Certificate presented.

Vice-Mayor Cruz explained that this award is on behalf of the entire City, employees, staff and the Commission. He added that the Parade gave the City of Miami Beach national exposure and this is the fruit of Michael Aller's labor. Michael was able to capture the beauty of Miami Beach and the goodwill which hopefully this will translate into more people visiting South Florida.

Mayor Dermer stated that he has seen a lot of promotions in the City and this is the single best piece of promotion he has seen in the years he has been in office for Miami Beach. It was a wonderful event.

Michael Aller thanked all and added that the credit goes to every one. On the Nielsen rating out of the three (3) hours on CBS on Thanksgiving Day, Miami Beach won all three (3) hours. Miami Beach was promised 24 minutes and received 44 minutes on national television. Also there is a five (5) year agreement with CBS to do the parade, and he is proud to say that in November of 2003 Red Baron will again be the over-the-title sponsor, as well as Coca-Cola who wants to come back with a float. Michael Aller recognized Randi Friedman, from Logistics Management, for her efforts and work. He thanked the Commission for their support and stated that it is a pleasure working for this beautiful City.

Commissioner Gross explained that all of Michael's special skills in theatre, tourism promotions, his energy and enthusiasm were drawn upon on this project. This was Michael's idea and he pulled it off very well.

Commissioner Steinberg stated that for a first year parade to be able to rise up to level of this event is fantastic because of the national exposure. The entire community is proud and he believes it will have an impact in tourism.

#### **New Item - Comments regarding Art Basel**

Commissioner Gross stated that Art Basel went fabulously last week. There were people from all over the world exposed to our City. The art exhibits were spread out throughout the City. Art Basel had committed to three years if all went well. By all accounts everyone was very satisfied with the sales of the art. He stated that we are getting great press and he is proud to live in this City.

Mayor Dermer asked that at the next meeting a list of everyone that worked on the project be prepared so they can be properly recognized. **Christina Cuervo to handle.**

Commissioner Bower requested input to this process because there were many people involved from the very beginning who need to be recognized. She mentioned Nancy Liebman.

Commissioner Gross also mentioned former Mayor Kasdin and Mera Rubell who original conceived the idea.

- PA3 Certificate Of Appreciation To Be Presented To Lawrence Herrup For His Years Of Service On Miami Beach Budget Advisory Committee.  
(City Manager's Office)

**ACTION:** Certificate presented.

Mayor Dermer thanked Mr. Herrup for the amount of volunteer hours donated to the City.

Larry Herrup thanked everyone on the Budget Advisory Committee and the GO Bond Oversight Committee and stated that it has been a great experience.

Commissioner Garcia stated that the Budget Advisory Committee is probably one of the most active committees in the City and he thanked Mr. Herrup for a great job. He also introduced Larry's wife Becky.

- PA4 Certificate Of Appreciation To Be Presented To Lori Freedline, For Being Honored As The National PAL Woman Volunteer Of The Year 2001.  
(Police Department)

**ACTION:** Items PA4, PA5 and PA6 held together. Certificate presented.

Officer Alkareem Azim introduced the items. He thanked Office Depot and Scholastic Inc. for their donations. He also recognized Lori Freedline for her contribution and being elected Woman of the Year for the National PAL.

Bernie Ruder introduced Orlando Rodriguez from Scholastics Inc. and Mitch Levine from Office Depot, who accepted the award and gave an overview of their contribution. He also recognized Lori.

Lori Freedline thanked the City Commission for their help with PAL.

Commissioner Bower stated that she is happy there is going to be a ground swell on books. There is such a large majority of low-income children that do not have a book at home. The one request she made is that everyone focuses on making sure that every child has two or three books in their homes. This is wonderful. Books are the basis of learning.

Orlando Rodriguez from Scholastics Inc. spoke and thanked the Commission for being recognized.

Mitch Levine from Office Depot stated that Office Depot loves to have outreach to the community and thanked the Commission and PAL.

Officer Alkareem Azim, PAL, presented Mayor Dermer with a plaque for his participation in the charity-boxing event.

Mayor Dermer recognized Elizabeth Stadtlander and stated that she worked day and night to make the event happen. He also thanked the Commission for their support.

- PA5 Certificate Of Appreciation To Be Presented To Office Depot, For Donating 500 Book Bags To The Miami Beach Police Athletic League. Items PA4, PA5 and PA6 held together.  
(Police Department)

**ACTION:** Items PA4, PA5 and PA6 held together. Certificate presented.

See Action PA4.

- PA6 Certificate Of Appreciation To Be Presented To Scholastic Inc., For Donating 1,000 Books To Miami Beach Police Athletic League. Items PA4, PA5 and PA6 held together.  
(Police Department)

**ACTION:** Items PA4, PA5 and PA6 held together. Certificate presented.

See Action PA4.

- PA7 Certificates Of Appreciation To Be Presented To Detectives Philippe Archer, Mike Muley, And Mark Schoenfield, For Saving A Father And Son That Got In An Accident.  
(Requested By Mayor David Dermer)

**ACTION:** Certificates presented.

Mayor Dermer read letter from a visitor to Chief De Lucca.

- PA8 A Presentation Of A \$9,000 Check To The City By The Miami Beach Chamber Of Commerce Youth Sports Team Sponsors.  
(Requested By Mayor Dermer)

**ACTION:** Check presented.

Mayor Dermer commended Bruce Singer, President of the Chamber of Commerce for responding to his request to have the Chamber's businesses donate uniforms for the kid's sports teams. The Chamber responded unbelievable quickly.

Bruce Singer gave his regards from Michael Milberg who could not attend today's meeting, and stated that most people are familiar with Michael's motto which is: "What can the Chamber do for you today?"

Mr. Singer stated that 31 corporate members sponsored 37 teams for a total of \$9,000. He explained that he was not going to read the names of all 31 corporations that contributed but read the names of those who were present: Tony Bello, Charter Communications, Charles Citrin, Citrin Financial & Insurance, Inc., Harvey Figueroa, Imperial Parking, Tracy Kruze, Outback Steakhouse, Robert Mathias, Zom Development, Tony Naboa, Beach Bank, Joy Malakoff, Colonial Bank, Mercy Rea, Holiday Inn - South Beach Resort, Gerald K. Schwartz, Beloff and Schwartz, and Tim Nardi, Eden Rock Resort and Spa.

Mr. Singer thanked Chamber board members for their assistance.

Commissioner Gross requested an update from the Mayor on the Optimist Club and other contributions that might be forthcoming through them.

Mayor Dermer stated that "Pudge" Rodriguez from the Texas Rangers has given tens of thousands of

dollars to the Optimist Club already. The Club continues to grow. It is likely that football would be brought back. He added that exciting things will be happening for the youth of the City and commended Kevin Smith for his participation.

Commissioner Gross asked how contributions could be made to the Club.

Mayor Dermer stated that contributions can be made by contacting the Mayor's Office and he thanked Commissioner Gross, who serves on the Board, for his support.

**New Item - Comments regarding Carmen Granda from Ayuda**

Mayor Dermer presented Carmen with a key to the City and thanked her for her efforts and for the hours of volunteer work she has given the City.

Carmen Granda thanked the Mayor and Commission for this honor.

Commissioner Bower added that Carmen has done a lot of work helping the community, working with the children, the elderly, and so many people who needed help.

**New Item - Mayor Dermer recognized and introduced Florida Senator Gwen Margolis**

Senator Gwen Margolis stated that she has represented Miami Beach for 28 years, and she is pleased to have such a significant group of Commissioners in her district. She introduced Marisa Bluestone as her assistant, who will be Miami Beach's liaison. She also stated that if the City has previous grants from the State of Florida, no matter what they are, they are all being scrutinized if they have not been spent yet. She requested the City Manager notify all agencies heads that receive grants that they are going to lose them unless they have contracts. This should be done before January when the Governor's budget comes out. **Alex Diaz to handle.**

**ADDENDUM: Mayor Dermer withdrew his Addendum item R9J**

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

**C2 - Competitive Bid Reports****10:45:34 a.m.**

- C2A Request For Approval To Award A Contract To Signco D/B/A Sign Craft, Inc., In The Amount Of \$207,461, Pursuant To Bid No. 45-00/01 For The Fabrication And Installation Of An Exterior Signage Package For The Miami Beach Convention Center.  
(Cultural Affairs & Tourism)

**ACTION: Item separated for discussion by Commissioner Gross. Award approved and the issue of amending the sign ordinance is referred to the Land Use and Development Committee.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Voice vote: 6-1; Opposed: Commissioner Bower. Gus Lopez to issue Purchase Order. Doug Tober to handle. Jorge Gomez to place on the Land Use and Development Committee agenda.

Commissioner Gross stated that it is not fair that the City changes the rules when it applies to City buildings and stated that he believes the current City Code prohibits city business from doing the same thing the City is doing here. He requested to broaden the ordinance to apply to businesses as well such as the Regal or cultural institutions that have changing exhibits.

Jorge Gomez, Planning Director, stated that Commissioner Gross is referring to the Sign portion of the City Code that prohibits flashing and moving signs

Commissioner Bower stated that she is concerned that approving this item will open a Pandora box, especially if it is to be extended to city businesses.

Commissioner Gross suggested referring the issue to the Land Use and Development Committee and approve this item.

- C2B Request For Approval To Award A Contract To Miami Fire Equipment For The Following Services: 1) Inspection, Testing And Maintenance Of The City's Dry Chemical Fire Extinguishers, And The Halon Fire Control Systems; And 2) The Inspection, Testing And Maintenance Of The Fire Pumps, Fire Sprinkler Systems, And Fire Alarms In The Estimated Annual Amount Of \$80,000, Pursuant To The Requirements Of Invitation To Bid No. 20-01/02.

(Public Works)

**ACTION: Award approved.** Gus Lopez to issue Purchase Order. Fred Beckmann to handle.

- C2C Request For Approval To Issue Purchase Orders Pursuant To Florida State Contract No. 02-10-0826, To Duval Ford For The Purchase Of One (1) 2003 Ford Explorer 4x2, One (1) 2003 Ford F-350 4X2 Utility Body Pick Up Truck With Hydraulic Lift Gate, One (1) 2003 Ford Ranger 4x2 Pick Up Truck, One (1) 2003 Ford F-250 4x4 Pick Up Truck, One (1) 2003 Ford F-250 4x2 Pick Up Truck, Eleven (11) 2003 Ford F-150 4x2 Pick Up Trucks, Two (2) 2003 Ford E-250 Cargo Vans And One (1) 2003 Ford Crown Victoria Police Pursuit Vehicle In The Amount Of \$324,210.

(Fleet Management)

**ACTION: Award approved.** Gus Lopez to issue Purchase Order. Drew Terpak to handle.



- C2D Request For Approval To Award A Contract To Law Enforcement Supply Co., Inc. The Lowest And Best Bidder, Pursuant To Invitation To Bid No. 56-01-02, In The Estimated Annual Total Amount Of \$280,000 To Furnish And Install Police Vehicle Emergency Equipment On City Vehicles.  
(Fleet Management)

**ACTION: Award approved.** Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2E Request For Approval To Reject The Sole Bid Received Pursuant To Invitation To Bid No. 28-01/02, For The Bass Museum School Of Art HVAC Renovations.  
(Public Works)

**ACTION: Bids rejected.** Gus Lopez to notify bidders.

- C2F Request For Approval To Reject The Sole Bid Received Pursuant To Invitation To Bid No. 46-01/02, For The 21st Street Community Center HVAC Renovations.  
(Public Works)

**ACTION: Administratively withdrawn.** Fred Beckmann to handle.

- C2G Request For Approval To Award A Contract To FXP Corporation In The Amount Of \$130,000, Pursuant To Invitation To Bid No. 76-01/02, For The HVAC Renovations For The 10th Street Ocean Front Auditorium.  
(Public Works)

**ACTION: Award approved.** Gus Lopez to issue Purchase Order. Fred Beckmann to handle.

- C2H Request For Approval To Award A Contract To The Lowest And Best Bidder, Advanced Roofing, Inc. In The Amount Of \$235,825, Pursuant To Bid No. 71-01/02 For The Roof Replacement For The 10th Street Ocean Front Auditorium.  
(Public Works)

**ACTION: Award approved.** Gus Lopez to issue Purchase Order. Fred Beckmann to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To Community Affairs Committee - Discussion Regarding An Ordinance Prohibiting Commissioners From Appearing Before Advisory Boards On Matters That May Foreseeably Come Before The Commission.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Item referred.** Mayra Diaz Buttacavoli to place on the agenda.

**C6 - Commission Committee Reports**

- C6A Report Of The Land Use And Development Committee Meeting Of November 4, 2002: **1)** Discussion Regarding The Ordinance Amendment That Places Reasonable Limits On Hedge Heights; **2)** Discussion Regarding The New F.A.R. On Properties With Existing Historic Buildings; **3)** Discussion Regarding Historic District By Date For Single Family Homes Constructed Before 1942; **4)** Discussion Regarding New Procedures For Minimum Flood Elevations As It Relates To The 50% Rule; **5)** Discussion Regarding Proposed Amendment To The City Code Regarding The Use Of Television Monitors Or Similar Devices As Signs.

**ACTION: Written report submitted.**

**Item 1.**

No consensus on item. No further action required.

**Item 2.**

Motion: (Bower/Gross) Administration to draft Ordinance that addresses the issue and bring back to Land Use and Development Committee for further review. Vote 4-0. **Jorge Gomez to handle.**

**Item 3.**

Discussion combined with item #4.

**Item 4.**

Motion: (Bower/Gross) Administration to review process for individual designation and make recommendations to streamline and simplify the process for single-family homes. Vote 4-0. **Jorge Gomez to handle.**

**Item 5.**

Motion: To accept the revised language and include it in the Ordinance for Second Reading Public Hearing. Vote 3-0 (Commissioner Garcia absent). See November 13, 2002, Item R5C and Ordinance 2002-3385.

- C6B Report Of The Neighborhoods Committee Meeting Of November 5, 2002: **1)** Discussion Regarding The City's Enforcement Of The Noise Ordinance; And **2)** Discussion Regarding The Live-Aboard Vessels In Single-Family Districts Ordinance.

**ACTION: Written report submitted.**

**Item 1.**

Item deferred to the next Neighborhoods Committee meeting.

**Item 2.**

A motion was made by Commissioner Bower and unanimously approved by the Committee not to move the item forward.

- C6C Report Of The Finance And Citywide Projects Committee Meeting Of November 25, 2002: **1)** Discussion Regarding Concession Revenues And Funding For Lincoln Road Marketing, Inc.; And **2)** Discussion Regarding Funding For The Wolfsonian - FIU Renovation Project.

**ACTION: Written report submitted.**

**Item 1.**

Item deferred.

**Item 2.**

The Committee moved the item to the full Commission, recommending Administration craft an Interlocal Agreement with the Wolfsonian-FIU which encompasses the following criteria: awarding the Wolfsonian-FIU a grant in a pledged amount not to exceed \$500,000 for the Wolfsonian-FIU Renovation Project; requiring that the scope of said project not be reduced; requiring an effort by the Wolfsonian-FIU to pursue other sources of funding, including Community Development Block Grants (CDBG), Economic Development Initiative Grants (EDI), and similar types of available funding; requiring the Wolfsonian-FIU to return advanced funds back to the City of Miami Beach if the Museum is successful in obtaining additional funding for the project, including CDBG and EDI dollars; requiring the Wolfsonian-FIU to return any unused advanced funds if said project is completed under budget; instructing Administration to include provisions for public benefit issues to include the City's exclusive use of the parking lot located at the Miami Beach Women's Club for the next five (5) years and free admission to the Museum for Miami Beach residents. **Christina Cuervo and Patricia Walker to handle.**

- C6D Report Of The Community Affairs Committee Meeting Of November 26, 2002: **1)** Discussion Regarding The Ordinance Implementing A Local Preference In The Award Of Contracts For Goods And Services To Miami Beach-Based Vendors, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration", By Amending Article VI Thereof Entitled "Procurement", By Amending Division 3 Entitled "Contract Procedures", And Division 4 Entitled "Purchases", By Amending Section 2-369, 2-370, And 2-395; **2)** Discussion Regarding Proposed Ordinance Amending Miami Beach City Code Section 38-6 Entitled "Prohibited Campaign Contributions By Vendors" By Mandating That The City Publish Notice Requirements Of This Ordinance, Establishing Responsibility Of Candidates For Elected Office To Determine Status Of Potential Donor As Vendor, Clarifying And Creating Definitions, Creating Additional Waiver Provision When Termination Of Existing Contract Would Be Economically Adverse To City's Best Interest; **3)** Discussion Regarding Art In Public Places Funds; **4)** Discussion Regarding An Ordinance Capping Campaign Expenditures; **5)** Discussion Regarding Ordinance Limiting Non-Individual/Corporate Contributions.

**ACTION: Written report submitted.**

**Item 1.**

This item was deferred to the next meeting.

**Item 2.**

The item was discussed and a motion was made to place the Ordinance for first reading in the December 11, 2002 Commission meeting with sub-contractor language removed and bring back the sub-contractor issue some time in the future to Community Affairs. See item R5F, this agenda.

**Item 3.**

The item was discussed and a motion was made for the City Manager to bring back this item after Art Basel and present the projects that qualify and what the appropriations will be. **Tim Hemstreet to handle.**

**Item 4.**

This item was deferred to next meeting.

**Item 5.**

The item was discussed and a motion was made to place the Ordinance for first reading in the December 11, 2002 Commission meeting. Legal Department to include other incorporated entities, ie, LLC. Jean Olin and Robert Meyers will research how the County is handling Political Action Committees (PAC's) since the County enacted the corporate contributions. See item R5F, this agenda.

**Item 5.**

This item was deferred to the next meeting.

**C7 - Resolutions**

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications For The Following Funds: 1) Retroactive Approval To Apply To The Department Of Environmental Protection For Fiscal Year 2003-04 House Bill 851 Water Project Funding; 2) 3-Com Foundation, For Products And Services Available In The Urban Challenge Grant Program; 3) Florida Department Of State, Division Of Historical Resources For Historic Preservation Funding; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications.  
(Grants Management)

**ACTION: Resolution No. 2002-25074 adopted.** If awarded and accepted by the City, Patricia Walker to appropriate the funds. Mayra Diaz Buttacavoli to handle.

**10:51:38 a.m.**

C7B Reappointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing December 31, 2002, And Ending June 30, 2003, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98-22777 Concerning The Compensation And Duties Of The Chief Special Master.
2. A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing December 31, 2002, And Ending June 30, 2003, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

**ACTION: Item separated for discussion by Commissioner Gross.**

**Resolutions approved and referred to the Community Affairs Committee.** Motion made by

Commissioner Steinberg to approve the item and refer this item to the Community Affairs Committee; seconded by Commissioner Gross; Voice-vote 7-0. Mayra Diaz Buttacavoli to place on the committee agenda. Robert Parcher to handle.

**1. Resolution No. 2002-25094 adopted.** Robert Parcher to handle.

**2. Resolution No. 2002-25095 adopted.** Robert Parcher to handle.

Commissioner Gross stated he has no problem with Judge Newman; however, there should be a process to evaluate the Special Masters and make sure that they are doing a good job. The issue of evaluations of Special Masters should be sent to Community Affairs Committee to determine what the evaluation process should be.

Commissioner Gross informed the Commission that he received a complaint from an attorney that stated that illegal communications between the Special Master and City staff had taken place. Judge Newman issued a directive to all Special Masters that there should not be communications with City staff. Motion made by Commissioner Bower to refer to the Community Affairs Committee; seconded by Commissioner Gross. Discussion continued.

Commissioner Bower added that she wants to include in the referral other lawyers such as the Visitors and Convention Authority and the Personnel Board lawyers, who should also have an evaluation process.

Commissioner Bower withdrew her motion.

C7C A Resolution Amending Resolution No. 91-20289; And Adopting A New Schedule Of Fees To Reflect Costs For Making The Annual Budget Book, Comprehensive Annual Financial Report, Police Courtesy Fingerprinting Cards, The City Commission Agendas And Agenda Packages Of The City Of Miami Beach.

(City Clerk's Office)

**ACTION: Resolution No. 2002-25075 adopted.** Robert Parcher to handle.

Supplemental Materials: C7D - Resolution

C7D A Resolution Authorizing The Issuance Of An RFQ To Solicit Qualifications To Provide Public Relations Services And Marketing And Communications Consulting Services For The City Of Miami Beach.

(City Manager's Office)

**ACTION: Resolution No. 2002-25076 adopted.** Gus Lopez to issue RFQ. Christina Cuervo to handle.

Supplemental Materials: C7E - Agreement

C7E A Resolution Approving A Settlement Agreement Between Ecko.Complex, Llc D/B/A Ecko Unltd ("Ecko") And The City Of Miami Beach Regarding Outstanding Violations Of The Code Of The City Of Miami Beach And Providing That The Fine Amount Be Reduced From \$579,484 To \$50,000 And Further That A \$50,000 Donation Be Provided To The City With The Total Of \$100,000 Intended To Be Used For The Purpose Of Completing A Skate Park On A Site To Be Provided By The City And To Provide Ecko Naming Rights For Said Skate Park With The Approval Of The Commission.

(City Manager's Office)

**ACTION: Resolution No. 2002-25077 Adopted.** Robert Middaugh to handle.

**11:04:15 a.m.**

C7F A Resolution Approving A Settlement Regarding Liens On The Property At 430 South Shore Drive Owned By Michael Stern Providing That Liens In The Amounts Of \$885,581.08 Be Settled For The Amount Of \$67,500.

(City Manager's Office)

**ACTION: Item separated for discussion by Commissioner Smith.**

Motion was made by Commissioner Bower, at the request of Mr. Stern, to defer this item to the January 8, 2003 meeting; seconded by Commissioner Steinberg; Voice vote: 7-0. Lilia Cardillo to place on the agenda. Robert Middaugh to handle.

Action on this item was deferred until Mr. Stern could be present to address Commissioner Smith's questions.

Commissioner Smith stated that he would agree to this only if there is a very specific time frame for the property owner to correct the problems. He asked what the owner's plans are for this property since there is a "For Sale" sign posted.

Robert Middaugh, Assistant City Manager, explained that the owner plans to demolish the property and build a new building in the future. The eyesore will be removed.

Commissioner Smith asked that the property owner make commitment, on the record, that the property will be cleaned up.

Jorge Gonzalez, City Manager, stated that the property owner would be contacted and asked to come in later to answer the question.

**12:42:36 p.m.**

Commissioner Smith asked Mr. Stern for assurance that the property will be demolished and that he will continue in accordance with the settlement. He asked Mr. Stern to state, on the record, his intentions.

Mr. Stern asked that his settlement offer be deferred to the January 8, 2003 Commission Meeting since he could not have his attorney present to explain issues that occurred within the last 24 hours.

C7G A Resolution Setting A Public Hearing On January 8, 2003, To Hear Public Comment Regarding Four Proposed Lease Agreements, Each For A Term Of Two Years, Between The City Of Miami Beach And 1) Arts And Business Council Of Miami, Inc. For The Use Of Approximately 97 Square Feet Of Office Space; 2) Children's Cultural Coalition Of Dade County, Inc., For The Use Of Approximately 97 Square Feet Of Office Space; 3) Florida Dance Association, Inc. For The Use Of Approximately 464 Square Feet Of Office Space, And 4) North Beach Development Corporation For The Use Of Approximately 651 Square Feet Of Office Space; All At The Byron Carlyle Theater, Located At 500 71st Street, Miami Beach, Florida; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code.

(Economic Development)

**ACTION: Resolution No. 2002-25078 adopted.** Public hearing scheduled for January 08, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.



**11:01:34 a.m.**

- C7H A Resolution Setting A Public Hearing On January 8, 2003, To Hear Public Comment Regarding A Proposed Lease Agreement Between The City Of Miami Beach And Jacques Auger Design Associates, Inc., For Use Of Approximately 1585 Square Feet Of City-Owned Office Space On The 6th Floor Of Historic City Hall Located At 1130 Washington Avenue, Miami Beach, Florida, For A Three Year Term, Commencing On May 1, 2003, And Ending On April 30, 2006; And Further Waive, By 5/7ths Vote, The Competitive Bidding Requirement; As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City.  
(Economic Development)

**ACTION: Item separated for discussion by Commissioner Gross.**

**Resolution No. 2002-25079 adopted and item referred to the Finance and Citywide Projects Committee.** Motion made by Commissioner Gross to set the Public Hearing and refer the issue of Old City Hall to the Finance and Citywide Project Committee; Voice-vote: 6-0; Absent: Commissioner Bower. Public hearing scheduled for January 08, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Patricia Walker to place on committee agenda. Fred Beckmann with the assistance of Joe Damien to handle.

Commissioner Gross stated that he does not have a problem with the item, however it raises a referral issue. The ground floor at Old City Hall has been empty since the fire. The barricades on the sidewalk have been there for over a year because a piece of the roof fell off. It seems the City is not doing a good asset management job at Old City Hall and he requested to refer this issue of what are the Administration's plans are for the empty space at Old City Hall, to the Finance and Citywide Projects Committee.

- C7I A Resolution Approving The Purchase Of All Risk Property Insurance (Fine Arts) For The Bass Museum Of Art And The City In General, For An Annual Premium Of \$29,200 For A One-Year Period, With An Option To Renew For Two (2) Additional Years, Provided The Annual Rate Does Not Increase By More Than Twenty Percent (20%) Per Year, As Proposed, With Lloyds Underwriters.  
(Human Resources)

**ACTION: Resolution No. 2002-25080 adopted.** Cliff Leonard to handle.

- C7J A Resolution Setting A Public Hearing To Consider Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of RM-PRD, Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And Amending The Goals, Policies And Objectives Of The Comprehensive Plan In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies.  
(Planning Department)

**ACTION: Resolution No. 2002-25081 adopted.** Public hearing scheduled for January 08, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.



- C7K A Resolution Setting A Public Hearing To Consider Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District," By Adding Subdivision IIIB. Development Regulations For "RM-PRD3."  
(Planning Department)

**ACTION: Resolution No. 2002-25082 adopted.** Public hearing scheduled for January 08, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7L A Resolution Setting A Public Hearing, Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By Gateway Development, Inc. Pertaining DRB File No. 16467, Objections To Conditions 1c, 2a, And 3.  
(Planning Department)

**ACTION: Resolution No. 2002-25083 adopted.** Public hearing scheduled for January 08, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- City Clerk's Note: At the request of Mr. Silvers, the applicant, the public hearing will be re-scheduled for February 26, 2003, so that he make go back to the Design Review Board for clarification. Before advertising, pursuant to the City Code, a transcript needs to be in the City's possession. Jorge Gomez will prepare an LTC. Mr. Silvers was requested to send a letter to Robert Parcher, City Clerk, asking for the extension.

- C7M A Resolution Adopting The First Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2002/03, In The Amount Of \$51,778 To Be Funded From The Proceeds Of State Confiscated Funds.  
(Police Department)

**ACTION: Resolution No. 2002-25084 adopted.** Chief DeLucca and Patricia Walker to handle.

- C7N A Resolution Adopting The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2002/03 In The Amount Of \$9,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.  
(Police Department)

**ACTION: Resolution No. 2002-25085 adopted.** Chief DeLucca and Patricia Walker to handle.

Supplemental Materials: C7O - Memorandum/Resolution/Agreement

- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Firm Of Camp Dresser And McKee, Inc., Pursuant To The Request For Qualifications (RFQ) No. 35-00/01, For Citywide Sanitary Sewers Improvements Project, And Authorizing Service Order No. 1 In An Amount Not To Exceed \$313,845, To Be Paid From Series 2000 Water And Sewer Bond Fund 424 Interest.  
(Public Works)

**ACTION: Resolution No. 2002-25086 adopted.** Fred Beckmann to handle.

- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 52-01/02, For Design And Construction Administration Services For The Flamingo Park And Property Management Yard Improvements Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Edaw, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The Russell Partnership, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Post Buckley Schuh And Jernigan.

(Procurement)

**ACTION: Resolution No. 2002-25087 adopted.** Tim Hemstreet to handle.

Supplemental Materials: C7Q - Resolution

- C7Q A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 48-01/02, For Planning, Design And Construction Administration Services For A Citywide Wayfinding Signage System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hillier Group, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Tom Graboski Associates, Inc./Meeker And Associates, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of The Douglas Group, Inc.

(Procurement)

**ACTION: Administratively withdrawn.**

#### **End of Consent Agenda**

#### **REGULAR AGENDA**

#### **R5 - Ordinances**

**11:18:47 a.m.**

- R5A An Ordinance Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 5, "Sidewalk Cafes," By Creating A New Section 82-384(ff), Allowing Limited Displays Of Food Served At Sidewalk Cafes On Private Property Adjacent To The Cafe, Providing For Review And Design Criteria Of Display Cases And Related Matters; Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 1, "Generally," Section 142-874, "Required Enclosures," To Provide For The Above Displays; And Setting The Fee For Design And Historic Preservation Board Review Of Requests To Increase The Size Of Sidewalk Café Displays At \$200.00; Providing For Repealer, Codification, Severability And An Effective Date.

**10:30 A.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading On November 13, 2002)

**ACTION:** Public Hearing held. **Ordinance No. 2002-3387 adopted.** Motion made by Commissioner Gross; seconded by Smith; Ballot vote: 6-1; Opposed: Commissioner Bower. R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

David Kelsey spoke.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**3:06:22 p.m.****R5B Demolition By Neglect Procedures**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 2, "Historic Preservation Board Review Of Projects," By Amending Section 118-532 To Clarify And Expand Procedures For The Maintenance Of Designated Properties To Prevent Demolition By Neglect; Providing For Repealer, Codification, Severability And An Effective Date. **2:30 P.M. Second Reading, Public Hearing**

(Planning Department)

(First Reading, Public Hearing On November 13, 2002)

**ACTION:** Public Hearing held. **Ordinance No. 2002-3388 adopted as amended.** Motion made by Commissioner Gross; seconded by Garcia; Ballot vote: 6-0; Absent Commissioner Smith. R. Parcher to transmit to Municipal Code Corporation. Phil Azan to handle.

**Amendments:**

(g)(1)(c) on lines one, two and three, STRIKEOUT: "or designee or the planning director or designee in consultation with the City's building official or designee."

Sub paragraph (g)(3) STRIKEOUT: the last sentence in the grammatical paragraph.

Sub paragraph (4)(a) on lines two, three and four, STRIKEOUT: "or designee or the planning director or designee in consultation with the building official or designee."

Sub paragraph (4)(a) on line eight, STRIKEOUT: "the planning director in consultation with" as the designee representative.

Sub paragraph (4)(a) line nine, STRIKEOUT: ", the planning director, in consultation with" and line ten, STRIKEOUT: "or their respective designees,"

**Handout or Reference Materials:**

1. Notice of Ad in Miami Herald

**R5C Proposed Amendment To Correct Height And Number Of Stories In C-PS Districts**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," By Modifying The Height And Number Of Stories In The C-PS Zoning Districts For Residential And Hotel Development; Providing For Codification, Repealer, Severability And An Effective Date. **4:00 P.M. First Reading, Public Hearing.**

(Planning Department)

(Continued From July 10, 2002)

**ACTION:** Withdrawn.

City Clerk's Note: Administration recommended withdrawing this item. This brings closure to the first reading that has been opened and continued.

- R5D An Ordinance Amending Chapter 142 Of The Miami Beach City Code Entitled "Zoning Districts And Regulations" By Amending Article IV Thereof Entitled "Supplementary District Regulations," By Amending Division 1 Entitled "Generally," By Amending Section 142-876 Entitled "Keeping Livestock Prohibited," By Providing That The Maintaining Of Livestock For Public Events For Temporary Periods Of Time May Be Allowed, As Approved By The City Manager Or His/Her Designee; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**  
(Requested By Commissioner Richard L. Steinberg)

**ACTION:** Item moved to the Consent Agenda and approved as a referral to the Planning Board. Jorge Gomez to place on agenda.

**4:55:56 p.m.**

- R5E An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Division 4, "Pay Telephones," Subdivision 3, "Regulations," By Deleting Section 82-342, "Installation, Maintenance And Technical Standards," Subsection (E)(7), And Adding A New Subsection (F) To Permit Advertising On Pay Telephones According To Specified Criteria, Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**  
(Requested By Mayor David Dermer)

**ACTION: Discussion held. Motion made by Commissioner Garcia. No second offered.**

Charles Citrin, Esq. representing First American Telecommunications Corp. spoke.

Jorge Gonzalez, City Manager, stated that the Administration is against approving the ordinance on first reading; however, it may not be this Commission's decision, based on some of the legal interpretations which will not be decided until the court case is resolved. If this Commission wishes to passed this on first reading and wait for the court case to be resolved before the second reading that gives some direction to the Administration and the applicant.

Murray Dubbin, City Attorney, and Gary Held, First Assistant City Attorney, discussed some of the legal issues related to the court case.

Miguel de la Portilla, Esq. representing Clear Channel Adshel, Inc., spoke.

No second offered.

Handout or Reference Materials:

1. Article from the New York Post dated October 29, 2002, titled: It's The "final" call - Illegal pay phones chopped down in city sweep.

**4:07:15 p.m.**

R5F Campaign Finance Reform Legislation.

1. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, By Creating Division 5 Thereof Entitled "Campaign Finance Reform", Incorporating Therein City Code Section 2-487 Entitled "Contributions Or Expenditures By Corporations Or Unincorporated Associations"; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**  
(Requested By Commissioner Richard L. Steinberg)

**ACTION:** Discussion held. No action taken. Motion made by Commissioner Steinberg as amended. No second offered.

**Amendment:**

**On page 274 of the agenda "Miami-Dade County" needs to be changed to "City of Miami Beach."**

2. An Ordinance Amending Miami Beach City Code Section 38-6 Entitled "Prohibited Campaign Contributions By Vendors" And City Code Chapter 2 By Transferring Said Section From Chapter 38 Of The Code To City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform", Renumbering Code Section 38-6 To Code Section 2-488; Amending Same By Mandating That The City Publish Notice Requirements Of This Ordinance, Establishing Responsibility Of Candidates For Elected Office To Determine Status Of Potential Donor As Vendor, Clarifying And Creating Definitions, Creating Additional Waiver Provision When Termination Of Existing Contract Would Be Economically Adverse To City's Best Interests; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**  
(Requested By Commissioner Jose Smith)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for January 08, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Commissioner Gross asked what the results have been since the ordinance was passed in Miami-Dade County. He asked if it lowered the amount of money the candidates raised to run their campaigns.

Deputy City Attorney Jean Olin, stated that Robert Meyers is checking into this.

Commissioner Smith asked if South Miami also prohibited corporate contributions.

Deputy City Attorney Jean Olin, will research.

City Clerk's Note: Campaign Finance Reform

**R7 - Resolutions****11:11:11 a.m.**

R7A A Resolution To Approve A Waiver Of Development Regulations Pursuant To Section 142-425 (d) Of The Land Development Regulations, Miami Beach City Code, For The Proposed Temporary Banner Placements, Located At City Hall, 1700 Convention Center Drive, Miami Beach, Florida And 17th Street Parking Garage, Located At 17th Street And Convention Center Drive, Miami Beach. **10:45 A.M. Public Hearing.**

(Cultural Affairs & Tourism)

**ACTION:** Public Hearing held. **Resolution No. 2002-25088 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Commissioner Bower. Grisette Roque Marcos to handle.

Mr. Peter Rickman, Co-Chair of the Resident Committee of the Mayor's Blue Ribbon Tourism Task Force, spoke.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Color picture titled: "Large Scale Banner Placement" - dimensions of the wall banner are 10 feet from the top to the bottom and 20 feet to the side. The color picture is shown hanging from Miami Beach City Hall.

**11:26:24 a.m.**

R7B A Resolution Authorizing The Amendment Of The Declaration Of Restrictions Relating To The Aqua Project Located On Allison Island, To Allow The Permitted Height Of Habitable Space On The Gorlin Tower To Meet The Permitted Height Of Nonhabitable Space Existing On Such Building, And Authorizing The Manager And City Clerk To Execute All Documents Necessary To Effectuate This Change. **11:15 A.M. Public Hearing.**

(Planning Department)

**ACTION:** Public Hearing held. **Resolution No. 2002-25089 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 7-0. Jorge Gomez to handle.

Mr. Craig Robins spoke and congratulated the City Commission on Art Basel. He stated that he thought it was a major positive turning point for our community.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Materials, magazine and newspaper articles of the Aqua project.

City Clerk's Note: Letter from the following homeowners associations are included in the Agenda with this item. La Gorce Island - Bill Williams, Vice-President; La Gorce/ Pinetree - Bruce Reich, President; Allison Island - Jonathan Beloff, President, and Alton Road - Bernard Schreiber, President.

2:52:54 p.m.

R7C A Resolution Approving And Officially Adopting The Basis Of Design Report, Including Addendum #1, Defining And Describing 1999 General Obligation Bond, Series 2000 Stormwater Revenue Bond, And Series 2000 Water And Sewer Bond Funded Capital Improvements To Be Implemented Through The La Gorce Right Of Way Improvement Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2002-25090 adopted.** Motion made by Commissioner Gross to approve the G.O. Bond Committees recommendations; seconded by Commissioner Steinberg; Voice vote: 7-0-. Tim Hemstreet to handle.

Commissioner Gross commended the process. This is the sixth or seventh BODR the Commission is approving and in all but one, all the issues have been worked out in the Neighborhood meetings or the G. O. Bond meetings. It makes the Commission's job fairly simple. He stated that Jorge Gonzalez, City Manager, deserves a lot of credit for structuring the whole process.

Jorge Gonzalez, City Manager, reminded everyone that in the beginning there was a lot of expectation that the Administration would not be able to accomplish this process. He appreciates the comments. Staff has done a fabulous job on this effort.

Commissioner Gross recognized Stacy Kilroy for her efforts.

Mr. Jeffrey Bercow, President of the Lakeview Association, commended Tim Hemstreet, his staff, and the consultants, for a great job.

Mayor Dermer commended Jeffrey Bercow for his efforts on behalf on the community.

Mr. Bercow stated that the portion of money allocated to the south area to the Lakeview subdivision for the 51 Street traffic calming is excellent. It really fulfills the primary need which is to slow the cut-through traffic through the neighborhood, particularly on 51st Street. He congratulated staff and the consultants. He requested that the Commission vote consistent with the G. O. Bond Committee's recommendation regarding the Cherokee Street-end, not extending the sidewalk to the end of Cherokee Avenue.

Osvaldo Mora, President of the La Gorce Island Association, commended the members of the staff for their assistance and is in support of the Administration's recommendation to the Commission.

Handout or Reference Materials:

1. Addendum to the Basis of Design report (BODR), dated December 5, 2002, titled Right-Of-Way-Infrastructure Improvement Program La Gorce - Final Basis of Design Report (August 26, 2002).

**10:00:44 a.m.**

R7D A Resolution Approving The City's Year 2003 State Legislature Priorities.  
(Economic Development)  
(Deferred From October 23, 2002)

**ACTION: Resolution No. 2002-25091 adopted and the legislative priorities amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 7-0. Christina Cuervo to handle.

Mr. Gary Rutledge, one of the City's State Lobbyists, reiterated Senator Margolis' comments regarding funds at risk that are not encumbered. If funds have not been encumbered they should be at the earliest possible opportunity, preferably before January. The State is looking at massive funding shortfalls for the next budget.

Mayor Dermer requested that the clean up of the canals [already added] and the windstorm insurance issues continue, even though a cap was added, although it could have been more. There is a real issue with liability insurance. It affects all the businesses in the community and many of the community festivals. This is an issue that needs to be addressed.

Mr. Gary Rutledge stated this will be a critical issue. Commissioner Gallagher, Insurance Commissioner, will need to address this. There needs to be dialogue with Commissioner Gallagher, the legislators and the City.

Murray Dubbin, City Attorney, requested to add the monitoring the Burt J. Harris Act to the legislative agenda

Fausto Gomez, City's State Lobbyists, stated that the Legislator created three (3) special committees this year only to deal with insurance issues: 1) Workers Compensation; 2) Automobile PIP reform, and 3) Medical malpractice. Overshadowing all of this is windstorm. The hallmark of the session is the budget and insurance issues.

Commissioner Smith stated that there are some transportation issues in Miami Beach with initiatives involved, such as Alton Road, the 63rd Street flyover, east/west transportation corridor from Normandy Isle to North Bay Village and the Harding Avenue/Collins Avenue plan. He added that at times there seems to be a "disconnect" between FDOT and the City. It takes too long to resolve problems and he would like to see a closer relationship between the City and FDOT, because the City needs to complete projects in a timely manner. He stated that oftentimes the needs and sensitivity of the neighbors are not taken into consideration and requested that any influence over FDOT in this area is encouraged.

Fausto Gomez, City's State Lobbyist, stated that this issue is probably in the purview of Jose Abreu, District VI, Director, FDOT. Gary Rutledge, Bob Levy and Fausto Gomez will set up meeting to address these issues.

Commissioner Smith stated that Miami Beach must be on FDOT's radar screen.

City Clerk's Notes: City's State Lobbyists (Gary Rutledge, Fausto Gomez, and Bob Levy)

City Clerk's Note: See Agenda item R9G - prohibit single beer sales to the 2003 State Legislature Priorities



Supplemental Materials: R7E - Memorandum and Resolution

**3:12:15 p.m.**

R7E A Resolution Relating To The City Attorney; Receiving The City Attorney's Annual Report; Amending His Compensation Plan; Finding His Performance To Be Satisfactory And Approving The Award Of Deferred Compensation Pursuant To The Internal Revenue Code, And Setting An Effective Date.

(City Attorney's Office)

**(Memorandum And Resolution To Be Submitted In Supplemental)**

**ACTION: Resolution No. 2002-25092 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to handle.

**3:14:10 p.m.**

R7F A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report; Adjusting His Salary Accordingly, Granting Deferred Compensation, Adjusting His Employment Contract; And Setting An Effective Date.

(City Manager's Office)

**(Memorandum And Resolution To Be Submitted In Supplemental)**

**ACTION: Resolution No. 2002-25093 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to handle.

Mayor Dermer stated that the City Manager's performance overall has been very, very good. He stated that the staff has performed very well. He is very proud of the accomplishments of the Capital Improvements Project (CIP) Department. He stated that the City is cleaner. Also, under the Manager's guidance, the Police Department has done an excellent job.

Vice-Mayor Cruz stated that these are challenging economic times. Tourism is down by 10%. It is very important, and the real challenge, to control the expenses. He is looking for the Manager to control total expenditures.

Commissioner Garcia stated that he has truly enjoyed working with the Manager. The Manager is a very competent and earnest young man and is very happy with a lot of things he has done. He added that he feels the Manager is a very good person in a system that needs a lot of work. He stated that it has been 8-years since an architect was selected and is very disturbed that work on Fire Station No. 2 hasn't started. It is also unacceptable that the firefighters in Fire Station No. 4 are still living in trailers. He stated that Historic Old City Hall is falling apart. He is distressed that there is no communications between some of the departments and gave an example of a water main break. He stated that he thinks the City Manager is a good administrator but feels that the communications between departments needs to be improved. He stated that the Police and Fire Departments are doing an excellent job and he hears fewer complaints about Code Compliance, however, the permitting process remains a problem. He stated that the public information [Answer Center] needs to be implemented. He stated that the City Manager has done real, real well and one of his strong points is marketing. He complimented the City Manager for the management team he has put together. He stated that he hopes a lot of the problems will have been corrected by next year. He hopes that the computers will experience less frequent downtime, and there will be check and balances with a Budget Director. He stated that he is very happy with the City Manager and although we aren't there yet, we are on the right track.

Commissioner Gross stated the City Manager is doing a fine job. He stated that City Manager has put together a strong team of administrators who are capably dealing with many of the issues. There are issues of coordination between departments that need to be worked on. He identified Neighborhood Service, Public Works and Parks. A lot of the issues deal with improving communications between the departments and with the residents. A lot has been done in the e-commerce area, however there is

more to do. The reconstruction of the 2nd Floor at City Hall allows the flow of business between the public and the Building Department that makes it more resident friendly. Having chaired the Business Resolution Task Force (BRTF) complaints regarding the difficulty of getting permits and the bureaucracy flow to him and further work is needed in this area. He stated that the City Manager is a very smart man and an ethical person and that there have not been any allegations of playing politics. The Manager respects the Commission's jurisdiction as the policy making group and the Manager fulfills his job as the administrator trying implementing the Commission's directives. He also stated that by extending the City Manager's contract another years is a strong message to the Administration that the Commission plans on keeping him around for a long time. He stated that the City Manager has done a good job keeping employee's morale high throughout the City. He commended the Manager for the employee training classes that have been offered and told the Manager to keep up the good work.

Commissioner Smith stated that evaluating the City Manager needs to be done looking at the big picture. It is very difficult to run a municipality. He stated that while other Cities throughout the country are experiencing major problems, the City of Miami Beach has increased the level of services and also maintain the Ad-Valorem taxes at the existing rate. The City Manager has maintained good morale and labor peace that has helped in the labor negotiations. The City has also been able to negotiate very good contracts with the County and other agencies, which are very favorable to the City. The City is getting better. There are areas where improvements are needed such as the communications with the City Commission, especially with those Commissioners who are not here 5-days a week. Don't just send a memorandum; call us more frequently. He stated that the City Manager has done a phenomenal job and to keep up the good work.

Commissioner Bower stated that a city is like a home; the work is never done, additional improvements can always be made. She stated that the City Manager has been making improvements. There is always room for improvement and stated that she believes the City Manager is always looking for improvements. She stated that he has surrounded himself with a good staff and she is happy with him being the Manager. She fines the City Manager to be a very fair person and less political than most. That is why she supports him and likes what he does. Not only does the City Manager care about big business, he also cares about the residents of the City and treats them equally. The City Manager has improved the City, but there is always room for improvement. She added that fairness and honesty are very important, and she sees that in the City Manager.

Commissioner Steinberg stated that he definitely appreciates the City Manager's level of professionalism and the level of ethics. As an improvement, he stated that the communications from the departments through the City Manager to the Commissioners could be better. He thanked the City Manager for the work he has done.

Jorge Gonzalez, City Manager, thanked the Commission and stated that where the City is today, is not where he wants it to be as an organization, the City is far along from where it was when he first started. He stated that his job is all about, "moving progress." He added that it is important that he is available at all hours of the day, any day of the week to work on the issues that are important to the City and he makes this a commitment. He stated that he wants to make sure that the Commission is satisfied with the direction of the City. He thinks the City is heading in the right direction but it is not there yet. He thanked his staff for making his job less difficult, and his success is their success and they share them equally and thanked the Commission on their behalf.

Bea Kalstein stated that she is glad that the Commission decided to keep him on for another year.

Handout or Reference Materials:

1. Interoffice Memorandum from Mayor David Dermer to City Commission dated December 11, 2002, RE: City Manager's Evaluation. Also included with this document is a copy of a memorandum from Jorge Gonzalez, City Manager, dated October 4, 2002, RE: Performance Evaluation

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

**ACTION:**Direct appointments made:**Barrier Free Environment Committee:**

Rabbi Solomon Schiff	Term expires	12/31/04	Appointed by Mayor Dermer
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**Beach Preservation Board:**

Clotilde Luce	Term expires	12/31/04	Appointed by Commissioner Smith
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**Beautification Committee:**

James Weingarten	Term expires	12/31/04	Appointed by Commissioner Cruz
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**Committee on Quality Education in MB:**

Merri Mann	Term expires	12/31/04	Appointed by Commissioner Gross
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**Community Development Advisory Committee:**

Julian Linares	Term expires	12/31/04	Appointed by Commissioner Cruz
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**Community Relations Board:**

Katherine Penner	Term expires	12/31/04	Appointed by Commissioner Garcia
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**Convention Center Advisory Board:**

Carole Taran	Term expires	12/31/04	Appointed by Commissioner Garcia
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**Convention Center Capital Projects Oversight Committee:**

Keith Space	Term expires	12/31/04	Appointed by Commissioner Cruz
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**Fine Arts Board:**

Laura Apte	Term expires	12/31/04	Appointed by Commissioner Garcia
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Handout or Reference Materials:

1. Letter from Laura Bruney, Chair, Fine Arts Board, dated December 2, 2002, RE: Board member recommendations. Su Rudy and Cheryl Jacobs are unable to serve another term in 2003

**Golf Advisory Committee:**

Brian Judge	Term expires	12/31/04	Appointed by Commissioner Cruz
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**Hispanic Affairs Committee:**

Jacobo Epelbaum	Term expires	12/31/04	Appointed by Commissioner Smith
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**Miami Beach Commission on the Status of Women:**

Diana Susi	Term expires	12/31/04	Appointed by Mayor Dermer
Sara Resnick	Term expires	12/31/04	Appointed by Commissioner Cruz

**Parks and Recreation Facilities Board:**

Barbara Gelber	Term expires	12/31/04	Appointed by Commissioner Garcia
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Alan Randolph                      Term expires                      12/31/04                      Appointed by Commissioner Cruz

**Police Citizens Relations Board:**

Jonathan Beloff	Term expires	12/31/04	Appointed by Commissioner Steinberg
Sharon Kersten	Term expires	12/31/04	Appointed by Commissioner Cruz
Luciano "Lucky" Llanos	Term expires	12/31/04	Appointed by Commissioner Cruz
Robin Weiss	Term expires	12/31/04	Appointed by Commissioner Gross

**Production Industry Council:**

Howard Goldman	Term expires	12/31/03	Appointed by Commissioner Bower
Nikos Prantzios	Term expires	12/31/04	Appointed by Mayor Dermer

**Safety Committee:**

Gertrude Arfa	Term expires	12/31/04	Appointed by Commissioner Garcia
Eugenio Martinez	Term expires	12/31/04	Appointed by Commissioner Garcia
Scott Needelman	Term expires	12/31/04	Appointed by Commissioner Cruz
Ginny Simon	Term expires	12/31/04	Appointed by Commissioner Gross

Supplemental Materials:                      R9A1   Additional Information

R9A1   Dade Heritage Trust's Three Nominations For Their Appointment To The Historic Preservation Board.  
(City Clerk's Office)

**ACTION:** Item not reached. Lilia Cardillo to place on agenda.

**6:13:20 p.m.**

Supplemental Materials:                      R9A2   Replacement for Page 391

R9A2   Cultural Arts Council Nominations.  
(City Manager's Office)

**ACTION:** Motion made by Commissioner Bower to reappoint Ada Llerandi, Katherine Orosz and Nancy Wolcott to The Cultural Arts Council with term expiration dates of 12/31/05; seconded by Commissioner Cruz; Voice vote: 7-0.

**ACTION:** Jeff Abbaticchio appointed to fill the vacant seat. Term expires 12/31/04.

Handouts or Informational Materials

1. Two (2) sets of ballots

R9A3. Design Review Board.

Motion made by Commissioner Garcia to nominate Peter Chevalier; seconded by Commissioner Gross; no vote taken.

Commissioner Bower informed the Commission that she is not prepared to vote.

Robert Parcher, City Clerk, explained that there is a 60-day grace period for those members whose terms expire on December 31, 2002.

Commissioner Bower suggested scheduling a time certain in the morning for reappointments that expires on December 31, 2002.

**2:23:22 p.m.**

R9B(1) Dr. Stanley Sutnick Citizen's Forum.

**ACTION:**

**Mark Terry** spoke about the sea grass otherwise known as the dome overlay. This is the sea grass and sea oats laying on the sand dune. It has aesthetic purposes and environmental benefits, mainly on erosion. A section of it was removed by construction project so that the residents would have a line of sight to the beach. This belongs to the residents and because of wealthy owners it is gone. He requested a commitment from the Commission to look into it.

Commissioner Smith stated that sometimes developers are required to remove the sea oats and to replace them and that this may be the case here. He also stated that he is there every weekend and asked Mr. Terry to meet him there Saturday at 3:00 p.m.

Bruce Henderson Environmental Specialist from the Public Works Department stated that they project has a state permit to restore and enhance the dunes. They will remove and replant it with native sea oats.

Handout or Reference Materials:

1. Aerial photo showing where the sea grass was removed.
2. Speakers list

**Bunny Patchen** stated that she is dismayed that for the past two or three years between Christmas and New Year we have a great number of tourists here and they are being ticketed by the Parking Department when they park around St. Patrick's church. She also spoke about the home called: "the castle" being promoted as a functional institution for weddings, corporate functions, etc. in a single-family neighborhood.

Mayor Dermer asked the Administration to contact the Parking Department to resolve the problem.

Jorge Gonzalez, City Manager, stated that he would have the Parking Department contact her or Monsignor Vaughn to figure out what has been done in the past to resolve this situation.

**Joe Fontana**, President of the Miami Beach Condominium and Homeowners Alliance, requested that the City go back to two (2) commission meetings a month as it was before. The citizens do not know what is going on now there are so many items at each commission meeting that the community does not know what is going on.

Mayor Dermer explained that the consensus was to have a meeting every three weeks. He also stated that a lot is accomplished at the committee meetings items are streamlined and the agenda is finished on time.

Commissioner Smith stated that there are workshops, such as budget and the Portfino workshops, which was held just last Monday, and those are televised.

**Minnette Benson** spoke on the Wolfsonian expansion and stated that they received a loan before and never paid it back. She also spoke on the 63rd Street flyover. She asked for a status review on this project. She stated that she was told that after the summer recess there would be a workshop. She also brought this up at the Transportation and Parking Committee asking for the workshop and Mr. Beckmann said that there were no plans for a review workshop until the construction drawings are 90% completed. She urged the Commission to find the way to get this review done. She had asked Mr.

Beckmann for copies of the attendance for all the public meetings and he could not find any. She asked what the Commission and Administration plan to do and ask for responsiveness from FDOT.

Commissioner Garcia stated that once the construction plans are 90% completed it is very hard to change anything,

**Elizabeth Donnelly** stated that the issue of the Wolfsonian really affects her. She stated that the City should not give the Wolfsonian and FIU any funds because they robbed the City before. She emphasized not to give the Wolfsonian another nickel and asked if they pay the loan before.

Commissioner Smith stated that it is very disappointing to him that we will oppose a partnership with one of the leading museums in the area. He also stated that there is significant benefit from the City investing in a world-class museum. He explained that there will be a public forum and the public can come and speak either for or against this issue.

**Bea Kalstein** stated that the City has to stop giving away money. This is not the time to build with monies the City does not have and to add employees or give salary increases. This has got to stop.

Handout or Reference Materials:

1. Speakers list

**6:24:51 p.m.**

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

**ACTION:**

**Carlos Gonzalez** stated that he was arrested right before the Sutnick Hour at the last Commission meeting. He was charged with threatening to bomb City Hall. He stated that he was in jail for 23 days with crazy people. He stated that he is a diabetic and his feet were very bad, he had medical attention the first two days and nothing after that. He also said he had spoken to Commissioner Bower on ways to allow people to earn a living. It does not seem that the City of Miami Beach has a heart. The City criminalizes homeless behavior. He spoke on his writing that he lost when he was arrested that were going to be published.

**11:33:02 a.m.**

R9C Discussion Regarding A Status Update On HIV/AIDS In Miami Beach.  
(Requested By Mayor David Dermer)

**ACTION: Discussion held.**

Mayor Dermer stated that it is imperative to heighten awareness; other cities have initiated public service campaigns of this type with success. He stated that this is something that should be looked at by the City of Miami Beach since this Commission is very supportive of this issue, and to make the community aware not only of the treatment of HIV but also on prevention and testing.

Nancy Humbert, Deputy Director of the Miami Dade Public Health Department, stated that the vision of the Health Department is to become a world-class public health system and their mission is that a healthy community is the heart of public health. She also stated that the number one priority is prevention and the department is very committed to working with the entire County on the many health concerns.

Evelyn Ullah, Director of HIV/Aids Programs, gave a PowerPoint Presentation.

Mayor Dermer thanked them for the presentation and stated that the City will do everything it can to help the Health Department on this issue.

Mark Cohen from the United Foundation for Aids spoke and observed a moment of silence in remembrance of the family and friends lost to Aids.

Mayor Dermer stated that Miami Beach hosted the Aids walk last year and the number of participants have gone down drastically from twenty years ago and he asked Kevin Garrity to explain why this happened.

Kevin Garrity Executive Director of South Beach Aids Project. stated that South Beach Aids Project, along with United Foundation for Aids, make up the front line in the City's effort to both prevent and to care for those already infected. He stated that they are designing an immediate campaign to address the complacency that has arisen over the incidence of HIV/Aids in our community. He stated that unfortunately many of our citizens are under the impression that Aids is over. He stated that the City of Miami Beach spends zero general revenue dollars to prevent HIV infection or to provide services. The only revenue provided to local HIV organizations by the City comes from the Federal Community Development Block Grant program. They have been informed by the CDBG Office that they can expect an across the board cut of another 22%, this represents a total of 57% cuts in funding. He stated that his visit today was to ask for dialogue between the City and the non-for profit organizations. He stated that the City has a grant writer who should be assisting the community-based organizations in seeking new sources of funding. Mr. Garrity requested assurance from the City Manager, the Mayor and the Commissioners that they will all sit together in a public/private partnership to come up with solutions to the HIV problem. He thanked the Commission for allowing them to make this presentation.

Mayor Dermer thanked Mr. Garrity and asked him to set appointments with the Commissioners to educate them on the public service campaign, since this is something that could probably be implemented and does not cost any money.

Commissioner Cruz suggested the aid of our lobbyists in Tallahassee or Washington to look for additional revenues.

Commissioner Bower suggested, if feasible, to have our grant writer help obtain funds.

Jorge Gonzalez, City Manager, stated that he would make the Grants Office available to them to help them get started.

**3:53:58 p.m.**

R9D Discussion/Status Report Regarding The Traffic Calming Islands And Installation Of Traffic Reflectors On La Gorce/Pine Tree.

(Requested By Commissioner Richard L. Steinberg)

**ACTION: Discussion held.**

Bruce Reich, President of the La Gorce Neighborhood Association, spoke. He requested that the Commission cut out all the red tape and finish this project.

Commissioner Smith requested that there be more traffic enforcement to the area until the project is completed. He stated that by having traffic enforcement the traffic will slow down. **Chief De Lucca to handle.**

Commissioner Steinberg stated that on a couple of occasions he has sent memorandums to the Administration asking about installing reflectors on the outer lines to help slow down the traffic. The solid white and yellow lines on either side of the island are not obeyed. Since the right-of-way is so wide one can basically drive in a straight line. He stated that he has suggested and has not heard back from the Administration on the installation of reflectors to better identify the lanes and to encourage drivers to stay inside the lanes. **Fred Beckmann to handle.**

Commissioner Steinberg added that he is in favor of allowing a quasi-competitive bidding process between perhaps five (5) bidders to shorten the time. He feels that it may not cost the City more because of the cost involved in the RFP process.

**4:49:20 p.m.**

R9E Discussion Regarding Proposed Legislation Prohibiting Campaign Contributions By Real Estate Developers.

(Requested By Mayor David Dermer)

**ACTION:** Discussion held. Referred to the Community Affairs Committee. Mayra Diaz Buttacavoli to place on the agenda. **Legal Department to handle.**

Commissioner Smith commended Mayor Dermer for bringing this item forward. He stated that this ordinance very narrow and limited, and it does not really apply to real estate developers in general. He also stated that he could support this ordinance however; Commissioner Gross's portion dealing with lobbyist who soliciting money is a problem for him.

Commissioner Gross commended Mayor Dermer on this ordinance.

Vice-Mayor Cruz commended Mayor Dermer because this is a very responsible legislation.

**Mayor Dermer asked to refer this item to the Community Affairs Committee and requested to see two (2) separate ordinances, including lobbyist issue as well as the developer issue.**

**3:35:26 p.m.**

R9F Discussion Regarding A False Claims Ordinance.

(Requested By Commissioner Jose Smith)

**ACTION:** Discussion held. **Referred to the Community Affairs Committee. Mayra Diaz Buttacavoli to place on the agenda.**

Commissioner Smith explained that this ordinance accomplishes the following: If a contractor files a fraudulent claim against the City, the City has certain rights. There are also consequences for somebody filing these claims against the City. These consequences are financial in nature including the award of attorney's fees.

Bob Dixon, Deputy City Attorney stated that the County ordinance is almost identical except of the "whistle blowing" provision where a third party can bring charges. The City does not have that provision. He explained that Miami Dade County has had a significant reduction in claims since they adopted the ordinance. He explained that the City has very competent staff that monitors these contracts very closely and the history shows that the City has been the one to find these fraudulent claims.



Commissioner Steinberg asked that between now and first reading of the ordinance the Legal Department finds out from Miami-Dade County of all the claims originated from this ordinance; and how many originated from the Administration or from someone else. **Legal Department to handle.**

Commissioner Steinberg stated that under the County ordinance the County Manager makes the determination that the County will not look into the third party claim. At that point the individual has standing to bring his own suit. Commissioner Steinberg suggested that the City pass an ordinance that is the same as the County except that at the determination point the third party individual does not have standing.

Bob Dixon stated that they could put this into the ordinance to provide for that.

Commissioner Smith requested that between now and first reading bring back an alternate ordinance including the "whistle blower" provision. **Legal Department to handle.**

Commissioner Bower requested the ordinance be sent to committee.

Commissioner Smith requested that this ordinance be on the January 8, 2003 meeting for first reading.

**5:45:27 p.m.**

R9G Discussion Regarding Extending The Hours That Beer And Wine Can Be Sold At Different Commercial Establishments From December 20 - January 3, 2003.  
(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Discussion held.** Motion made by Commissioner Gross to allow the extension of the hours from 11:00 p.m. to 12:00 midnight beginning on December 20, for 30 days until the first meeting in February [February 5], the Police Department to evaluate if there are problems related to this action; and for Administration to bring an ordinance to the February 2003 meeting authorizing a permanent change to the hours and add prohibiting single beer sales to the legislative priority list; seconded by Commissioner Cruz; Voice vote: 7-0. Jorge Gomez to handle the creating of the ordinance. Chief De Lucca and Al Childress to monitor.

City Clerk's Note: See Agenda item R7D (City's 2003 State Legislature Priorities)

**12:11:00 p.m.**

R9H Discussion Regarding The Living Wage Ordinance.  
(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Discussion held. This item was referred to the Finance and Citywide Project Committee.** Motion made by Commissioner Bower to refer to the Finance and Citywide Projects Committee for further discussions and review those contracts which are not in compliance [with the Living Wage Ordinance] and also to determine the financial impact on the City; Voice vote: 7-0. **Patricia Walker to place on Committee agenda and to handle.**

Murray Dubbin explained that the discussion of the Living Wage Ordinance is in order; however, Mr. Dubbin urged the Commissioners to bear in mind that whatever they say at this meeting may be subject to being introduced in court. He also urged the Commission not to discuss the particular controversy involved.

Commissioner Garcia asked the City Manager what the City is doing to make sure this ordinance is applied consistently to all contracts. Commissioner Garcia stated that he asked the Administration and was informed by one of the Assistant Attorneys that there could be a cone-of-silence on this issue and the only way to discuss this would be in this forum. Commissioner Garcia asked when the City is going to come in compliance with this ordinance.

Jorge Gonzalez, City Manager, explained that when the Living Wage Ordinance was approved in early 2001 it called for a minimum wage for City employees and employees of all contractors that the City engages in. It established the hourly rate at \$8.56 for employees where the contractor was also going to provide health insurance to its employees, and \$9.81 per hour for those contractors that chose not provide health insurance to their employees. Upon passing the Commission did three (3) caveats:

1. The types of services that would be covered under the Living Wage;
2. Established a minimum contract value which was set at \$100,000; and
3. The manner in which to implementation the Living Wage Ordinance was established because it would have required a one-time implementation cost which would have exceeded \$1 million dollars for that year and a recurring expense. The Commission approved that it would be implemented as existing contracts and/or the renewal options that may exist were exercised. If there were renewal options in existence they would continue under the original contract's stipulations. He also stated that there have been contracts where the City exercised the renewal options and also recommended modest hourly rate increases to minimize the impact when it was re-bid.

Commissioner Garcia proposed that some type of legislation be put into place so that contract extensions would apply to the Living Wage Ordinance.

Jorge Gonzalez, City Manager, stated that this is a policy decision that this Commission can make. He requested that before the legislation is put into place requiring all contract extensions to apply to Living Wage, that the Administration calculates the cost impact.

**Motion made by Commissioner Bower to refer to the Finance and Citywide Projects Committee for further discussions and review those contracts that are not in compliance and to determine the financial impact on the City. The issue at the time the ordinance was approved was the impact on the budget. The City took a ramp up time so the budget would not be hit so hard.**

Commissioner Gross seconded the motion; Voice vote: 7-0.

Mr. Rafael Llopis, Vice-President of Quik Park Garage Corp., started to speak about specifics and Mr. Dubbin, City Attorney, interrupted the conversation.

Mr. Dubbin stated that the item has been referred to the Committee and if a citizen wishes to speak generally about the issue and the Commission wants to hear it is fine, but to get into specific particular issues that may or may not end up in court, is not in order.

Mayor Dermer stated that he has some great concerns with the process. It is a highly unusual process. He would like to see everything in the process be completely "out-on-the-table." There have been a lot of allegations relating to practices and corruption. He would like the entire process stopped and to begin again in an ethical and honest fashion.

Commissioner Bower stated that the item is a discussion relating to the Living Wage Ordinance and asked why is the Commission discussing garages when it is not on the agenda.

Mayor Dermer stated that he does not want the process to continue one more day in this fashion. He wants the perception of wrongdoing to stop. He stated that when the Chairman of the Evaluation Committee is making ethics allegation, it disturbs him. If he does not act on this, he feels he is derelict in his duties. He stated again that he does not want this process to continue. He suggested that the issue be stopped and referred to the Finance and Citywide Projects Committee to discuss the proper process.

Commissioner Smith stated that this is a very uncomfortable position to be put in. This Commission is dealing with a policy issue and also a City Charter issue. At this point the City Commission should not be involved in the process.

**Motion made by Commissioner Smith to let the Evaluation Committee process continue and wait until a recommendation is before the City Commission for action; Seconded by Commissioner Gross. Discussion continued and no vote taken.**

Commissioner Cruz stated this process started with the Finance and Citywide Projects and the City Commission. The process was flawed but it wasn't caught in the beginning.

Commissioner Gross stated that the issue of the parking garage selection process is not properly on the agenda and should not be before this Commission today.

Mayor Dermer added that the Chairman of a Evaluation Committee is talking about ethical problems with the way the process is being handled within the City competing in the process. This is an ethical issue. This process is wrong.

Jorge Gonzalez, City Manager, referencing the boards that contained quotes (see video), stated that what is being referred to are simple quotes out of a three-page letter where the Evaluation Committee Chairman never once raises an allegation. What the Chairman is doing is saying that these allegations have been raised and he is suggesting certain action to try to resolve the allegations.

Rafael Llopis stated that the question is if the process is going to continue while he has been disqualified for reasons that the City runs parallel. That's the question. He stated that if the City wants to spend money to litigate, he is prepared to do that.

Mayor Dermer stated the position of this Commission is to let the process continue.

Rafael Llopis stated: "we will see you in court."

**Handout or Reference Materials:**

1. Excerpts titled "Roger M. Carlton on Ethics Allegations" and a letter, not signed, to Jorge Gonzalez, City Manager, dated December 9, 2002, from Roger M. Carlton [Chairman of the Management and Operation of the Parking Component of the Anchor Shops].

**10:14:13 a.m.**

R9l Discussion Regarding The City Center Redevelopment Plan Amendment.  
(City Manager's Office)

**ACTION: Discussion held.**

Miami-Dade County Commissioner Bruno Barreiro, stated that he was invited by Commissioner Smith to attend this meeting in reference to the RDA and the negotiations going on between Miami-Dade County and the City. He stated that there are three issues the City wanted to include in the City Center RDA. Two of three issues have been adopted. The third one was the business assistance program that has basically been taken care of through other forms. Commissioner Barreiro stated that he is proposing two amendments to the City Center RDA and asked the Commission for approval.

1. Community policing should be included but there should be enhancements to the current formula so there can be more officers. The special events are becoming regular and they are not longer special events. This specific area needs this level of enhancement of services and he has proposed this in the Interlocal agreement.

2. Governance of the Board. It is not in the Statute that the RDA can have presence of the City Commission and Miami-Dade County Commission, but if in the future the State Statutes will allow that, he would like to have a seat on the RDA Board on behalf of Miami-Dade County. This is just to have a presence and be able to voice the County's concerns.

Commissioner Smith stated that he works with Commissioners Barreiro and Sally Heyman at the MPO and finds them to be totally responsive and honorable and feels that they are doing a great job representing the City and the City's interests. He stated that as a matter of principle, he opposes having County Commissioners on the RDA; the same way the County opposed having interference from the State. There may be constitutional problems with the proposal and he asked the City Attorney to review Article II Section V of the Florida Constitution. Commissioner Smith would like a legal opinion from the City Attorney's Office and/or an Attorney General's opinion. He also requested the City Attorney's Office research the City Charter regarding delegating City functions to a County Commissioner. He is also disappointed that the resolution only mentions enhancing police services. In effect it means the City [general fund] would not benefit with the enactment of this proposal. He opposes this proposal at this time pending some legal opinions bearing on the questions he has raised. **Murray Dubbin to handle.**

Murray Dubbin stated that the law today does not allow anybody except the members of the City Commission to serve as members of the RDA. The Florida Statutes would have to be amended. The other impediment is that the prohibition of dual offices is a more difficult problem to respond to. There have been a multitude of opinions on this issue. There may be a mechanism to where it can be legitimized. The Legal Department will work to create structure, if it is the desire of the City Commission.

Commissioner Smith stated that Community Policing should rise or fall on its own merit. It should not be contingent or linked to the having two County Commissioners on the RDA. Perhaps they can serve as ex-officio members.

Commissioner Barreiro stated that he came before this Commission to present the recommendation. He has been advised that he did not need to come before this Commission. He could try to move the amendment in the County without the City of Miami Beach. He stated that this is not his style. He stated that he would take into consideration the comments of this Commission and there will be more conversations in the future. He also stated that this issue will be coming before the Miami-Dade County Commission in a couple of weeks.

Mayor Dermer stated that the lines of communication should be open between the County and the City and also stated that he is grateful to Commissioner Smith for putting this item on the agenda.

Commissioner Bower requested to be informed on the Community Policing, on exactly how it works and what is it that the City is looking for. **Christina Cuervo to handle.**

R9J Discussion Regarding Waiver Of Fees For The Art Deco Fest.  
(Requested By Mayor David Dermer)

**ACTION: Withdrawn.**

**Reports and Informational Items**

- A. City Attorney's Status Report.  
(City Attorney's Office)  
**ACTION: Written report submitted.**
- B. Parking Status Report.  
(Parking Department)  
**ACTION: Written report submitted.**
- C. Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.  
(Capital Improvement Projects)  
**ACTION: Written report submitted.**
- D. Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.  
(Capital Improvement Projects)  
**ACTION: Written report submitted.**
- E. Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.  
(Procurement)  
**ACTION: Written report submitted.**

**6:11:19 p.m.**

- F. Nightlife Industry Task Force - Extension Of Hours For New Year's Eve Weekend.  
(City Manager's Office)

**ACTION:** Motion made by Commissioner Bower to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 a.m. liquor license to extend their hours of operation to 7:00 a.m. on Friday, December 27 (Saturday morning), Saturday, December 28 (Sunday morning), and Tuesday, December 31 (Wednesday morning) and to be allowed to serve alcohol. Any club, which will remain open, must notify the Police Department and Code Compliance by letter, by Friday, December 20 and must provide off-duty police officers if the Police Department deems appropriate. If there are any problems during the weekend, this action may be rescinded by the City Manager; Seconded by Commissioner Steinberg; Voice vote: 7-0; Al Childress and Chief De Lucca to handle.

Commissioner Steinberg requested the Administration to prepare an ordinance giving the Administration the authority to with this type of action in the future. **Jorge Gomez to handle.**

## Handout or Reference Materials:

1. Letter to Christina Cuervo, Assistant City Manager, from David Kelsey, dated December 4, 2002, RE:  
Page 37 Prepared by the City Clerk's Office

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Nightlife: Request for extended serving hours for New Year's Eve and preceding weekend. Requires approval at December 11th City Commission meeting.

**End of Regular Agenda\**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
December 11, 2002**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Months Of October 2002.

**ACTION:** Written report submitted.

Meeting adjourned at 6:30 :01 p.m.

**End of RDA Agenda**